

**Patent
09/311,128**

REMARKS

Claims 1, 3-7 and 11-12 are now under consideration. Claims 1 and 11 are independent. Claims 1, 4 and 11 have been amended. Claims 2, 8-10 and 13-17 have been cancelled.

102 rejections

Claim 1 and 3-7 were rejected under 35 USC 102(e) (pre-AIPA) as being anticipated by Patent 6,208,341 (van Ee et al.), Claims 8- 9 were rejected under 35 USC 102(e) as being anticipated by US Patent 6,075,528 (Curtis) and Claims 11-12 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,410,326 (Goldstein).

103 Rejections

Dependent Claim 2 was rejected under 35 USC 103(a) as being unpatentable over van Ee in view of Goldstein and Claims 10 and 13-17 were rejected as being unpatentable over Curtis in view of van Ee.

In light of the foregoing claim cancellations and amendments, and also in light of the following comments, each of the rejections is respectfully traversed and reconsideration is requested.

Claim 1 - 102(e) rejection based on van Ee/103(a) rejection based on van Ee & Goldstein

Independent Claim 1 as amended herein to include the limitations of now canceled dependent Claim 2, is directed to a method to facilitate a programming of a control device that comprises a graphics user interface.

The recited method enables a determination of at least one appliance for being user-controlled through the control device, determines code for graphically representing a controllable feature of the appliance on the graphic user interface of the control device and communicates the code to the control device for storage at the control device for enabling user-control of the appliance in response to a subsequent user activation of the control device. Claim 1 now also

Patent
09/311,128

recites that the step of determining the code includes accessing an Internet site in dependence upon the determination of the at least one appliance.

The incorporation of the limitations of Claim 2 into independent Claim 1 renders the 102(e) rejection of Claim 1 based on van Ee moot. With regard to the rejection of Claim 2 based on van Ee and Goldstein, the Action acknowledges (page 6) that van Ee "does not disclose accessing the Internet in determination of at least one device", but takes the position that "Goldstein discloses a control device that comprises a graphical user interface that accesses the Internet (a remotely connected programming source, column 3, lines 14-28)".

Applicants respectfully submit that the amended language of Claim 1 distinguishes over any permissible combination of the teachings of van Ee and Goldstein. In particular, Applicants submit that Goldstein *fails to provide the requisite teachings acknowledged to be missing in van Ee*.

Goldstein is directed to a programmable remote control device, but *fails* to teach or suggest a method that facilitates programming of a control device, that includes the step of "determining code for graphically representing a controllable feature of the appliance on the graphic user interface of the control device", and in which the step of "determining code" includes accessing an Internet site in dependence upon the determination of the at least one appliance.

Goldstein merely provides a teaching of the use of communication via a link to a cable TV converter or via a telephone link. More specifically, as recited in Goldstein, "personalizing the device operation for each household can occur either (1) through a bidirectional communications link to a cable television converter which receives programming code from a head end cable facility, or (2) by a telephone coupler which is connected via a telephone link to a programming source" (see col. 3, lines 29-34 and col. 13, lines 46-50, emphasis added)

For at least the foregoing reason, independent Claim 1, as amended herein, is believed patentable over van Ee and Goldstein and reconsideration is respectfully requested.

Patent
09/311,128

Claim 11 - 102(e) rejection based on Goldstein

Independent Claim 11 is directed to a control device including a programmable user interface and a receiver that receives user interface code from an Internet site. Programming of the programmable user interface is facilitated by the user interface code.

For at least the same reasons as those set out above with respect to independent Claim 1, independent Claim 11, *as filed*, is believed patentable over Goldstein. Specifically, Goldstein fails to teach or suggest receiving interface code *from an Internet site* and that programming of a programmable user interface is *facilitated by the user interface code, received from an Internet site*.

However, in order to advance prosecution and to eliminate any issue, independent Claim 11 has been amended herein to recite a control device "for remotely controlling one or more electronic devices", and also to recite that the "user interface code is received in dependence upon at least one of: a location parameter, a time parameter, and a user profile".

Applicants respectfully submit that Goldstein fails to teach or suggest a control device as recited in amended independent Claim 11. Therefore, reconsideration of the patentability of independent Claim 11 over Goldstein is respectfully requested.

Dependent Claims 3-7 and 12 are believed to be clearly patentable for all of the reasons indicated above with respect to Claims 1 and 11, from which they depend, and even further distinguish over the cited references by reciting additional limitations. For example, dependent Claim 4, as amended herein, recites that, for the method of claim 1, "determining the code includes extracting a device control profile in dependence upon at least one of: a location parameter, a time parameter, and a user profile". Van Ee and the other art of record fails to teach or suggest such a method.

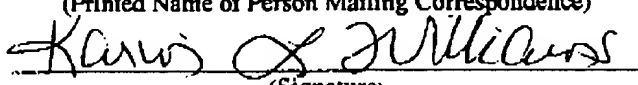
For all of the foregoing reasons, Applicants respectfully submit that the pending claims are patentable over the art of record and prompt review and issuance is requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of

Patent
09/311,128

the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,


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<p><u>Certificate of Facsimile Transmission</u> I hereby certify that this document and any document referenced herein has been transmitted via facsimile to the US Patent and Trademark Office at (703) 746-7239 on <u>December 15, 2003</u>.</p> <p><u>Karin L. Williams, Reg. No. 36,721</u> (Printed Name of Person Mailing Correspondence)</p> <p> (Signature)</p>
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